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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,471	10/24/2003	Seiji Iida	1001-023	2559
26272	7590	02/25/2008	EXAMINER	
COWAN LIEBOWITZ & LATMAN P.C.			SELBY, GEVELL V	
JOHN J TORRENTE			ART UNIT	PAPER NUMBER
1133 AVE OF THE AMERICAS			2622	
NEW YORK, NY 10036				
MAIL DATE		DELIVERY MODE		
02/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,471	IIDA, SEIJI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gevell Selby	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 30 November 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-9 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

## DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/30/07 has been entered.

### *Response to Arguments*

2. Applicant's arguments, see the amendment, filed 11/30/07, with respect to the rejection(s) of claim(s) 1-9 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yoshioka et al., US 7,071,973.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973.**

In regard to claim 1, Oochi et al., US 2005/0179779, discloses a lens apparatus comprising:

a lens (see figure 2, element 31);  
a stop blade (see figure 2, element 34) which is adapted to change an area of a light-passing aperture (see para. 41);  
an optical filter (see figure 2, element 33) which inserts and removes with respect to a region opposed to the light-passing aperture (see para 40); and  
a shutter blade (see figure 2, element 35) which is adapted to open and close the light-passing aperture (see para. 42); and  
a lens holding member (see figure 2, element 11) which holds the lens, the stop blade, the optical filter, and the shutter blade (see para. 37);  
wherein the optical filter (see figure 2, element 33) which is one member selected from the group consisting of the stop blade, the optical filter and the shutter blade is arranged at one end side, the rear end side, of the lens holding member and the other member, stop blade (see figure 2, element 34) or the shutter blade (see figure 2, element 35), selected from the group is arranged at the other end side, the front end side, of the lens holding member (see figure 2).

Oochi et al., US 2005/0179779, does not disclose wherein the lens holding member is movable in an optical axis direction of the lens apparatus.

Yoshioka et al., US 7,071,973, discloses a digital camera with a taking lens 301 that is a zoom lens that moves in the direction of the optical axis to retract the lens barrel 3011 into the camera body when not in use (see column 5, line 58 to column 6, line 10). The taking lens 301 comprises a stop 3105, lens units 3102 and 3103 and a ND filter 3107 (see column 6, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, to have the lens holding member is movable in an optical axis direction of the lens apparatus, in order to retract the lens barrel into the camera when not in use to protect it and make the device smaller and easier to carry or store.

In regard to claim 5, Oochi et al., US 2005/0179779, discloses a camera comprising:

a lens (see figure 2, element 31);  
a stop blade (see figure 2, element 34) which is adapted to change an area of a light-passing aperture (see para. 41);  
an optical filter (see figure 2, element 33) which inserts and removes with respect to a region opposed to the light-passing aperture (see para 40); and  
a shutter blade (see figure 2, element 35) which is adapted to open and close the light-passing aperture (see para. 42),  
a lens holding member (see figure 2, element 11) which holds the lens, the stop blade, the optical filter, and the shutter blade (see para. 37);  
an image pickup element (see figure 2, element 12) which photoelectrically converts an object image formed by the lens into an electric signal (see para. 24),  
wherein the optical filter (see figure 2, element 33) which is one member selected from the group consisting of the stop blade, the optical filter and the shutter blade is arranged at one end side, the rear end side, of the lens holding

member and the other member, stop blade (see figure 2, element 34) or the shutter blade (see figure 2, element 35), selected from the group is arranged at the other end side, the front end side, of the lens holding member (see figure 2).

Oochi et al., US 2005/0179779, does not disclose wherein the lens holding member is movable in an optical axis direction of the lens apparatus.

Yoshioka et al., US 7,071,973, discloses a digital camera with a taking lens 301 that is a zoom lens that moves in the direction of the optical axis to retract the lens barrel 3011 into the camera body when not in use (see column 5, line 58 to column 6, line 10). The taking lens 301 comprises a stop 3105, lens units 3102 and 3103 and a ND filter 3107 (see column 6, lines 11-15).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, to have the lens holding member is movable in an optical axis direction of the lens apparatus, in order to retract the lens barrel into the camera when not in use to protect it and make the device smaller and easier to carry or store.

In regard to claim 9, Oochi et al., US 2005/0179779, discloses a camera system comprising:

the lens apparatus according to claim 1 (see the explanation regarding claim 1 above); and

a camera (see figure 2, element 1) comprising an image pickup element (see figure 2, element 12) which photoelectrically converts an object image formed by lens in the lens apparatus into an electric signal (see para. 24).

**5. Claims 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, as applied to claims 1 and 5 above, and further in view of Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969) and In re Japikse, 86 USPQ 70 (CCPA 1950).**

In regard to claims 2 and 6, Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, discloses the lens apparatus and camera according to claims 1 and 5, respectively, further comprising:

a stop driving unit (see figure 2, element 44) which drives the stop blade;

a filter driving unit (see figure 2, element 43) which drives the optical

filter; and

a shutter driving unit (see figure 2, element 45) which drives the shutter blade.

The Oochi reference does not disclose wherein the stop driving unit, the filter driving unit and the shutter driving unit are arranged on outside of the lens holding member and between one member arranged at one end side of the lens holding member and the other member arranged at the other end side of the lens holding member.

It would have been obvious to one having ordinary skill in the art to separately arranged the stop driving unit, the filter driving unit and the shutter driving unit outside of the lens holding member and move them between one member and the other member, since it has been held to be within the general skill of a worker in the art to make parts separate as well as to shift the location of parts as a matter of obvious engineering choice.

Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969) and In re Japikse, 86 USPQ 70 (CCPA 1950).

In regard to claims 3 and 7, Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, and further in view of Nerwin v. Erlichman, 168 USPQ 177, 179 (PTO Bd. Of Int. 1969) and In re Japikse, 86 USPQ 70 (CCPA 1950), discloses the lens apparatus and camera according to claims 2 and 6, wherein it is implied by the modified Oochi reference that the stop driving unit, the filter driving unit and the shutter driving unit are arranged in the circumferential direction of the lens holding member, since they are now on the outside of the lens holder 11 (see figure 2).

**6. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, as applied to claims 1 and 5 above, and further in view of in view of Yamada et al., US 6,753,911.**

In regard to claims 4 and 8, Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, discloses the lens apparatus and camera according to claims 1 and 5, respectively. The Yoshioka reference discloses a first member (see figure 2, element 221) which rotates and transmits a driving power to the lens holding member; and a second member (see figure 2, element 3014) which includes a first engaging portion to guide the lens holding member in the direction of the optical axis, wherein the lens holding member includes a second engaging portion (see figure 2, element 3011) which extends in the direction of the optical axis and engages with the first engaging portion (see column 5, line 64 to column 6, line 8). The Oochi and Yoshioka references do not disclose wherein the first member which rotates around an optical axis.

It is well known in the art to have different design configurations to move a lens barrel wherein the lens apparatus comprises a first member which rotates around an optical axis.

Yamada et al., US 6,753,911, discloses a zoom lens barrel and camera comprising:

a first member (see figure 1, element 41) which rotates around an optical axis and transmits a driving power to the lens holding member (see column 8, lines 12-37); and

a second member (see figure 1, element 51) which includes a first engaging portion (see figure 1, element 52) to guide the lens holding member in the direction of the optical axis (see column 8, lines 37-41),

wherein the lens holding member (see figure 1, element 81) includes a second engaging portion (see figure 1, element 60) which extends in the direction of the optical axis and engages with the first engaging portion (see column 8, lines 53-57).

It would have been an obvious design choice to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779, in view of Yoshioka et al., US 7,071,973, and further in view of Yamada et al., US 6,753,911, to have a first member which rotates around an optical axis, in order to provide a zoom lens barrel which can easily be applied to a camera excellent in portability, by making the zoom lens, which can cause a camera to be large in size, to be accommodated easily in the camera's main body, providing a more compact storage.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



LIN YE  
SUPERVISORY PATENT EXAMINER